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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91229192
Party	Defendant Stephen Burden
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Submission	Answer
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Date	11/08/2016
Attachments	CHAMPLEASURE ANSWER AND AFF.pdf(66212 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Institut National de l'Origine et de la Qualite, Comite interprofessionnel du vin de Champagne

Opposer

Opposition No: 91229192
Mark: CHAMPLEASURE
Application No: 86547065
Filed: 07/27/2016

V

STEPHEN BURDEN

Applicant

ANSWER AND AFFIRMATIVE DEFENSES

COMES now Applicant, by and through undersigned counsel and files its Answer and Affirmative Defenses and in support hereof states:

1. Applicant admits the allegations contained in Paragraphs 1, 2, 3, 4, and 5.
2. Applicant denies the allegations contained in 7, 8, 9, and 10, and demands strict proof thereof at trial.
3. Applicant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 6, and demands strict proof thereof at trial.

AFFIRMATIVE DEFENSES

4. The commercial impression of Applicant's mark is different than that of Opposer's and not likely to cause confusion or dilution.
5. Opposer's claimed marks are not famous.

6. Opposer's claimed marks are not well-known.
7. On information and belief, Opposer has not conducted a consumer survey concerning the strength of Opposer's claimed marks, particularly with respect to Applicant's use of its mark.
8. Consumer's of Opposer's claimed marks are different than those of Applicant.
9. The spellings of Petitioner and Respondents marks are different making them distinguishable in the mind of the consuming public.
10. On information and belief there has been no actual confusion between the marks.
11. On information and belief, Opposer lacks standing to bring the subject opposition.
12. On information and belief, Opposer is not using its claimed marks in connection with all of the goods it claims.
13. The goods covered by Opposer's claimed marks are different than the goods claimed under Applicant's mark.
14. Applicant's mark makes no direct reference to the Champagne region of France and is thus not deceptively misdescriptive.
15. Applicant's mark is merely suggestive of Champagne.
16. United States consumers will not be confused concerning AOC.
17. The opposition is a "shot gun" pleading in that it fails to list the Champagne houses and growers which it represents which makes it difficult if not impossible for Applicant to file a response to the Opposition.

18. Contrary to Paragraph 10 of the opposition, Applicant's application in no way suggests that Champagne is an ingredient in its products, and, in fact, specifically states that it is a sparkling wine, thereby excluding it from being a Champagne product.

19. On information and belief, Opposer has failed to adequately police its mark in the United States and is entitled to less protection here.

20. Consumers of Opposer's claimed mark are sophisticated and will be able to distinguish between Applicant's mark and Opposer's claimed AOC marks.

Respectfully submitted,

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ELECTRONIC MAILING CERTIFICATE

I hereby certify that the foregoing Motion is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board ("ESTTA") and PETER M BRODY, ROPES & GRAY LLP, 2099 PENNSYLVANIA AVENUE WASHINGTON, DC 20006-6807, trademarks@ropesgray.com on this 8th day of November, 2016.

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